

## The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ALYSON HERFERT, TALANA WILEY, )  
SHANNON GORDNER, KATHRYN DE )  
PEUTER, BECKY KUHL, ALANNA )  
WASKO, and DENIZ ZOELLER, on behalf of )  
themselves and all others similarly situated, )  
Plaintiff, )  
v. )  
CRAYOLA LLC, )  
Defendant )

No. 2:11-cv-1301-JCC  
DECLARATION OF LYNN LINCOLN  
SARKO IN SUPPORT OF JOINT  
MOTION TO REQUIRE ATTORNEY  
CHRISTOPHER BANDAS AND  
OBJECTOR AMBER PEDERSON TO  
POST APPEAL BOND, AND SEEKING  
ANY OTHER APPROPRIATE RELIEF  
TO PROTECT THE CLASS

1. I, Lynn Lincoln Sarko, am the managing partner at the law firm of Keller Rohrback L.L.P. On March 12, 2012, the Court appointed Keller Rohrback L.L.P. as Lead Counsel in this case and I have personal knowledge of the information in this Declaration. If called upon, I could and would testify that the following facts are true and correct based upon my personal knowledge.

2. Amber Pederson filed a written Objection to the Settlement in this action on April 2, 2012. (*Herfert v. Crayola*, No. 11-1301, Dkt. No. 47 (W.D. Wash. Apr. 2, 2012).) Ms.

1 Pederson filed this objection *pro se*. (*Id.*) Ms. Pederson's objection was notarized by Margot  
2 Valdez. (*Id.*)

3       3. Attached as Exhibit 1 is a true and correct copy of Ms. Valdez' LinkedIn Profile,  
4 downloaded on June 13, 2012, indicating her employer as Bandas Law Firm P.C. The profile  
5 indicates that she "[c]urrently holds this position."

6       4. As reflected in the Minute Entry, on April 24, 2012, the Court considered whether  
7 to grant final approval of the Settlement in this case. (Dkt. No. 50.) As further reflected in the  
8 Minute Entry, the Court inquired if any persons appeared to object to the Settlement, and found  
9 that there were none. (*Id.*)

10      5. Although the Minute Entry for the Final Approval hearing reveals that Ms.  
11 Pederson failed to appear, Ms. Pederson's written objections were filed with the Court. (Dkt. No.  
12 47.) As reflected in the Final Order, the Court considered all matters and papers submitted to it  
13 in deciding whether to grant final approval. (Dkt. No. 51 at 4.) The Court approved the  
14 Settlement over Ms. Pederson's objections and filed a written Order granting final approval on  
15 April 27, 2012. (*See id.*)

16      6. On May 14, 2012, Ms. Pederson filed a notice of appeal *pro se*. (Dkt. No. 54.)

17      7. On May 24, 2012, I called Ms. Pederson at the telephone number she provided in  
18 her objection. Christopher Bandas, an attorney at the Bandas Law Firm in Corpus Christi,  
19 Texas, returned my call. Mr. Bandas informed me that he represents Amber Pederson. Mr.  
20 Bandas did not file a notice of appearance on her behalf in the District Court. He also has not yet  
21 filed a notice of appearance on Ms. Pederson's behalf in her appeal to the Ninth Circuit.  
22 Attached as Exhibit 2 is a true and correct copy of the docket in Ms. Pederson's appeal to the  
23 Ninth Circuit as of today, June 21, 2012, at 1:45 p.m.

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25  
26  
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RELIEF TO PROTECT THE CLASS 11-CV-1301-JCC Page - 2

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8. Attached as Exhibit 3 is a true and correct copy of a chart that plaintiffs' counsel filed in *In re Cathode Ray Tube (CRT) Antitrust Litig.*, No. 07-5944, Dkt. No. 1089-1, at 16-22 (N.D. Cal. Mar. 15, 2012) to illustrate the numerous objections and appeals that Mr. Bandas has filed to class action settlements.

9. Attached as Exhibit 4 is a true and correct excerpt of the docket in *Conroy v. 3M Corp.*, No. 00-02810 (N.D. Cal.), showing docket entry number 265, where the court granted a motion to require objectors and the Bandas Law Firm jointly and severally to post an appeal bond in the amount of \$431,167.00.

10. Plaintiffs and Defendant jointly request that Objector-Appellant Amber Pederson and attorney Christopher Bandas post an appeal bond in the amount of \$20,000. This amount includes a reasonable estimate of costs permitted under Federal Rule of Appellate Procedure 39(e); it also includes attorney fees and accounts for the lack of merit of the appeal and the involvement of professional objector Christopher Bandas.

DATED this 21st day of June, 2012.

KELLER ROHRBACK L.L.P.

By /s/ Lynn Lincoln Sarko  
Lynn Lincoln Sarko, WSBA # 16569

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